

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

_____)	
UNITED STATES)	
)	
v.)	1:21-CR-10350-LTS-1
)	
HARRY TAM)	
_____)	

DEFENDANT'S MOTION FOR PRETRIAL RELEASE

NOW COMES the Defendant, HARRY TAM, in connection with the above-captioned matter and respectfully requests that this Honorable Court enter an Order for pretrial conditional release with the following conditions of release:

1. Reside at 23 Mansfield St, Allston, MA
2. GPS monitoring
3. Curfew 11pm-6am - seven days per week
4. Substance Abuse Evaluation
5. Follow up substance abuse treatment
6. Drug and Alcohol Free with random screens
7. Weekly NA/AA meetings
8. Weekly Counseling
9. Remain employed and/or seek employment
10. Do not possess any firearms
11. Do not apply for a passport
12. Any other conditions deemed fit by this Honorable Court or recommended by this Probation Dept.

The Defendant was aware of this investigation following the search of his residence in May 2021 when firearms were recovered. The Defendant did not flee or try to hide. Instead,

he retained defense counsel and returned to the work force. He has started working for a restaurant - "9 Thai" and also working as an auto mechanic. He was then charged recently in Brighton Division of Boston Municipal Court for trafficking meth, and he was released on a \$9,000 cash bail. He appeared in Court the following business day as ordered. The Commonwealth sought \$100,000 bail, but the Court declined and released him on the same \$9,000 bail posted that he appeared on that morning. Knowing the Commonwealth was asking for bail that he could not afford, Mr. Tam did not flee or leave the Court. He has had other cases in Brighton and each time he appeared as ordered. He did not default or miss a Court date. The matters were all eventually dismissed.

Mr. Tam is a loving father and resides in Allston with his Fiancée and young children. He is a supportive and caring father and partner. He is actively involved in raising the children and participating in their extra-curricular activities, i.e. gymnastics, other sports, etc. Mr. Tam is suffering from substance abuse disorder and he has been actively addicted to meth for years. He was using until his arrest in this case, and he has since detoxed while in custody. Mr. Tam has successfully completed rehab programs in the past, but he did not follow through with the entire sobriety plan in the past. He is committed to sobriety and requests conditions to help treat his substance abuse. Mr. Tam is open and willing to abide by any

and all conditions of release and requests help to find a suitable treatment program as part of this case.

The Defendant respectfully suggests that he has met the burden and overcome the rebuttable presumption for detention. He has shown that there are a suitable set of conditions that would address the concerns of the Government and the Court and establish that he is fit for conditional release. He does not have a violent history, does not have a history of defaults, and knowing the investigation was underway and federal charges were coming since May 2021 he did not flee.

WHEREFORE, the Defendant respectfully requests that this motion be allowed and release be permitted with any and all conditions of release.

Respectfully submitted,
HARRY TAM,
By his attorney,

/s/ CLMALCOLM

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Date: December 20, 2021

CERTIFICATE OF SERVICE

I, Christopher L. Malcolm, Attorney for Defendant, hereby certify that on this date I served a copy of this motion for release by email and electronic notice on the US Attorney's Office.

Date: 12/20/21

/s/ CLMALCOLM

Christopher L. Malcolm